

Welfare Reform: Comments from the Public on TANF Reauthorization

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The 1996 welfare law repealed the previous Aid to Families with Dependent Children (AFDC) program and replaced it with a block grant to states for Temporary Assistance for Needy Families (TANF). This landmark legislation required that federally funded cash assistance be time-limited and conditioned on work, but also gave states great flexibility in the design of their programs. TANF funding expired at the end of FY2002 and Congress has continued the program and its funding through a series of temporary extensions. Efforts toward a long-term reauthorization of welfare reform began during the second session of the 107th Congress and remain on the agenda for the 109th Congress.

In preparation for the reauthorization debate that began in 2002, the Department of Health and Human Services (HHS) solicited public input on TANF during the fall of 2001. HHS conducted a series of regional “listening and discussion” sessions, and also invited the public to submit comments, either through the mail or electronically through a specially created website. This report presents a summary of the comments received by HHS (more than 4,000 were submitted) and is intended to convey a general sense of the views and opinions expressed. Readers should note that the persons and groups who submitted comments represented a self-selected and varied group and may or may not be representative of the larger population.

HHS prescribed no format for the comments, so they were submitted in many forms and sizes. Some were long essays, others included lengthy lists of ideas, while others submitted just a paragraph. Some commenters urged comprehensive proposals that dealt not only with TANF but with related programs and services. Some made comments without necessarily making recommendations for change. The following general observations might be made about the content of these “free-form” recommendations:

- All categories of commenters wanted Congress either to maintain or increase the amount of funding available for the TANF block grant.
- There was concern that, although welfare reform has succeeded in promoting work, jobs have failed to end poverty for some families and have not been possible for others because of personal barriers.
- Advocates for low-income families tended to urge substantial change in TANF. Many wanted to impose more mandates on states. They wanted Congress to require states to provide certain services to certain groups and to adopt certain procedures. Some proposed repeal of existing ineligibility rules.
- On the other hand, representatives of states and state/county welfare departments generally wanted to keep maximum flexibility to design and operate TANF.
- Among commenters on work and time limit rules, there was strong support for allowing more education and training to be treated as work activities and for suspending the time limit for some persons and under some circumstances.
- Child care was widely seen as a necessary work support and child support as a needed source of family income.

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Welfare Reform: Comments from the Public on TANF Reauthorization

Introduction

The 1996 welfare reform law repealed the previous Aid to Families with Dependent Children (AFDC) program and replaced it with a block grant to states for Temporary Assistance for Needy Families (TANF).¹ This landmark legislation required that federally funded cash assistance be time-limited and conditioned on work, but also gave states great flexibility in the design of their welfare programs. TANF funding was authorized and appropriated only for six years and expired at the end of FY2002; however, Congress has continued the program and its funding (at FY2002 levels) through a series of temporary extensions. Efforts to enact a long-term reauthorization of welfare reform began during the second session of the 107th Congress and remain an agenda item for the 109th Congress. During the 108th Congress, the House and the Senate Finance Committee each passed different versions of a long-term reauthorization bill (H.R. 4), but no final action occurred.²

The TANF block grant is administered at the federal level by the Department of Health and Human Services (HHS). During the fall of 2001, in preparation for the debate on reauthorization of TANF, HHS solicited public input through two mechanisms. First, HHS officials conducted a series of regional “listening and discussion” sessions to which state and local officials and welfare recipients were invited to share their views about implementing and improving TANF programs. Wade Horn, Assistant Secretary for Children and Families, led these sessions in Atlanta, Chicago, Dallas, Philadelphia, New York, San Francisco, and Washington, D.C. A meeting with tribal representatives also was held in San Francisco.

In addition, in the October 17, 2001, *Federal Register*, HHS formally invited members of the public to submit comments, through November 30, 2001, either through the mail or electronically through a specially created website. As stated in the *Federal Register*, the Department’s primary interest was “gathering input about the TANF provisions of the [1996 welfare reform] legislation. However, many other federal programs, such as the Food Stamp Program, the Child Care and Development Fund, Child Welfare, and Child Support Enforcement, serve the same needy families as TANF and provide related benefits. Some of these programs are facing

¹See CRS Report RS20807, *Short History of the 1996 Welfare Reform Law*, by Joe Richardson and Vee Burke.

²For a comparison of current law with the House and Senate Finance Committee versions of H.R. 4 (108th Congress), see CRS Report RL32210, *TANF Reauthorization: Side-by-Side Comparison of Current Law and Two Versions of H.R. 4*, by Vee Burke and Gene Falk.

reauthorization ... as well. Thus, the Department will also accept comments on program coordination issues.”

A precise count of unduplicated comments received by HHS — or of the individuals and organizations who submitted them — is not obtainable. Several groups led organized campaigns and generated hundreds of comments, some of which were easily identifiable as part of an organized campaign while others were not. The following numbers are offered to give a sense of the scope of the TANF comments project. Through the specially created HHS website, nearly 700 comments were submitted (some may have been duplicates; others may have been submitted on different topics by the same individual or organization). Almost another 4,000 comments were submitted through the mail or by other means (e-mail, hand delivery). Of these, about 3,000 resulted from organized campaigns. For example, an organization called Network: A National Catholic Social Justice Lobby brought in more than 2,000 comments; other groups that organized comment campaigns included the Children’s Defense Fund, Grassroots Organizing for Welfare Leadership, Midwest Partners, Influencing State Policy, and the Welfare-to-Work Partnership.

This report presents a summary of the comments that were received by HHS in response to the Department’s request, and is intended to convey a general sense of the views and opinions expressed. The report begins with an explanation of the methodology used for preparing this summary and a discussion of the categories of groups and individuals who submitted comments, followed by a general overview of the comments themselves. The balance of the report presents a summary of the comments, organized by topic. Only limited background information is included on the current law provisions which may be the subject of comments. Readers should consult other CRS reports for background information on TANF law and related programs and for the status of current legislation.³

Methodology

This report summarizes the TANF reauthorization comments by focusing on three major questions:

- *Who made the comments?* To place the comments in some perspective, it is necessary to describe who made them;
- *What were the most common comments and legislative recommendations?*
- *Who said what?* What were various types of organizations or individuals interested in? Were there differences in the types of concerns and recommendations made by different groups?

³Readers should go to the Current Legislative Issues section on the CRS home page, click on “Social Policy” and then on “Welfare” for a selected list of CRS products; or use the search box on the CRS home page to identify the full range of CRS reports on TANF and related programs and issues.

A team of Congressional Research Service (CRS) analysts categorized information about the commenters and their comments and entered them into a database. The comments are qualitative in nature — that is, they are in essay form and varied widely in both style and content. Though the database afforded analysts a structure for categorizing the comments, their varied nature often required CRS analysts to exercise considerable judgment.

Categorizing the Commenters. Those making comments were categorized into groups; for example, elected officials, national advocacy organizations, local advocacy organizations, faith-based groups, etc. Additionally, comments and recommendations were received by a number of organizations that are nonpartisan research organizations but which expressed a point of view, such as the Heritage Foundation and the Center for Budget and Policy Priorities. These organizations were placed in their own category (research/advocacy). A distinction also was made if an organization was involved in delivering services to families. (See Appendix **Table A2** for a list of the categories used in this report.) Additionally, commenters were categorized by their geographical affiliation. National organizations were identified as such, and organizations at the state and local level were identified by their state.

The categorization of many commenters proved to be difficult. Some of those making comments identified themselves with an organization, but it was unclear whether they were speaking *for* the organization. With mailed comments, it could reasonably be determined that those written on a letterhead and signed by an official represented the organization's point of view. However, it was much more difficult to discern whether comments submitted through the Internet represented an organization's point of view or an individual's opinion. Additionally, comments submitted through the Internet often did not contain enough information to identify a commenter as belonging to a particular category. Therefore, a relatively large number of commenters were classified either as "general public" or "unknown."

Categorizing the Comments. The comments themselves were also categorized. CRS primarily focused on *legislative* recommendations made by the commenters; i.e., those statements that signaled a change in policy that could be made by amending federal law. However, judgment was often required to determine whether a comment was making a legislative recommendation, or expressing a more general point of view about welfare policy. Moreover, since HHS solicited *comments* from the public, and not just legislative recommendations, an attempt was made to capture the flavor of the comments in addition to their recommendations.

Many comments included numerous legislative recommendations. Each recommendation was placed in the appropriate topical category; that is, a comment from a single individual or organization could have been entered into the database under several different categories. See Appendix **Table A1** for a listing of the categories.

Why There Are No "Counts" of Comments. Though each comment was tallied in the CRS database, this report does not provide exact numbers of specific comments or recommendations for a legislative change. It was determined that any attempt to quantify the comments or recommendations would pose problems. Some

comments represented large organizations potentially reflecting the views of many people, and some represented individual views. There is no objective way to “weight” such diverse commenters. Further, a large number of comments were made through organized letter-writing campaigns, and again, there was no objective way to give weight to these comments without either skewing the results in the direction of those comments generated by letter-writing campaigns, or devaluing comments made through such campaigns. Instead, for each particular issue, the report presents the scope of the recommendations made as well as the suggestions that were more or less popular among the commenters.

Brief Description of the Commenters

The many persons and groups who responded to the HHS call for comments represented a self-selected group. Those who made comments were aware of the opportunity to comment — from the *Federal Register* notice, the HHS press release, and each other. Furthermore, for various reasons, they were sufficiently interested in the future of TANF to participate in the process. Many of them had close experience with TANF and had come to some conclusions about how it should be changed, if at all.

Though the commenters were self-selected, they did come from a wide range of organizations and backgrounds. Some of the organizations that commented are familiar from previous debates on welfare reform, and have been asked for and given testimony before Congress on welfare issues. However, others who commented were less connected to past federal legislative debates and are active mainly at the state and local level. Comments on TANF reauthorization were received from:

- **Elected Officials.** Comments were received from several United States Senators, state legislators and a few governors. Moreover, there were comments from organizations that represent elected officials, among them, the National Governors Association (NGA), National Conference of State Legislators (NCSL), and the U.S. Conference of Mayors.
- **State and Local Human Resource Agencies and Service Delivery Practitioners.** The American Public Human Services Association (APHSA) and numerous state human resource agencies submitted comments and legislative recommendations. These public agencies administer or supervise the administration of TANF at the state level, and APHSA is their national advocacy organization. In addition, there were comments from local human services agencies as well as numerous comments from community service organizations, including child care referral agencies. Comments were also received from the National Council of Child Support Directors, the National Association of Social Workers, and the National Association of Black Social Workers.
- **National Advocacy Organizations.** Comments came from national advocacy organizations representing particular constituencies or views. Comments were received from groups such as the Children’s Defense Fund (CDF), Planned Parenthood Federation of America, the National Association for the Advancement of Colored People (NAACP), National Organization for

Women (NOW) Legal Defense and Education Fund, National Urban League, Children's Rights Council, the American Bar Association, and others.

- **State and Local Advocacy Organizations.** A relatively large share of comments came from private state and local advocacy organizations. Unlike many of the national advocacy organizations, which commented on welfare reauthorization while expressing views on a wide range of issues, state and local advocacy organizations often were more narrowly focused. For example, there were several comments from organizations concerned about protection, treatment, and services for victims of domestic violence. There were also organizations that appeared to focus on TANF reauthorization as their single issue (for example, Washington's TANF Reauthorization Campaign, the Utah Reauthorization project). A few Indian tribes made comments.
- **Faith-Based Organizations.** Comments were made by both national and local faith-based advocacy and service groups. National faith-based groups that made comments included the U.S. Conference of Catholic Bishops, Evangelical Lutheran Church in America, United Jewish Communities, Catholic Charities USA, and the National Catholic Social Justice Lobby. A number of comments came from local chapters of Catholic Charities, and local dioceses.
- **Research Organizations.** Comments were received from a number of research organizations that tend also to make policy recommendations. Such organizations included the Center on Budget and Policy Priorities (CBPP), Center on Law and Social Policy (CLASP), the Heritage Foundation, and the Progressive Policy Institute. Additionally, comments were received from professors at universities and students of social work.
- **The General Public.** Some commenters did not identify themselves as members of any organization. Some of these comments were likely made by members of the general public; a few identified themselves as being former recipients. A fairly large number of comments did not have enough information to identify the commenter with a particular organization, though the comment might reflect the view of an organization or may have been a part of a letter-writing campaign.

Overview of Comments

Comments on TANF reauthorization reached HHS in many forms and sizes. No format was prescribed. No list of subjects for comment was given. Some persons submitted long essay responses, summing up their appraisal of TANF achievements and failings. Some gave long lists of ideas for change; some just a paragraph. Some urged comprehensive proposals that dealt not only with TANF but with related programs and services. It can be assumed that most wrote about what concerned them most.

Reading this outpouring of "free-form" suggestions about the next round of welfare reform gives this general picture:

- All categories of commenters wanted Congress either to maintain or increase the amount of funding available for the TANF block grant.
- There was concern that, although welfare reform has succeeded in promoting work, jobs have failed to end poverty for some families and have not been possible for others because of personal barriers.
- Advocates for low-income families tended to urge substantial change in TANF. Many wanted to impose more mandates on states. They wanted Congress to require states to provide certain services to certain groups and to adopt certain procedures. Some proposed repeal of some existing ineligibility rules.
- On the other hand, representatives of states and state/county welfare departments generally wanted to keep maximum flexibility to design and operate TANF.
- Among commenters on work and time limit rules, there was strong support for allowing more education and training to be treated as work activities and for suspending the time limit for some persons and under some circumstances.
- Child care was widely seen as a necessary work support and child support as a needed source of family income.

Summary of Comments on TANF

Goals and Philosophy

Basic philosophy and program goals attracted a very large block of comments on TANF (outnumbered only by comments on funding and the time limit). A majority of the philosophic commenters urged that poverty reduction be added as a program goal or purpose. A typical remark was that TANF should strive to reduce poverty, not caseloads. Support for making poverty reduction an explicit program goal came from advocacy organizations, faith-based groups, research groups, some elected officials (state legislators, U.S. Senators), human service agencies, community service organizations, students of social work, and members of the general public, including two former welfare recipients. A few commenters said there should be a *federal* obligation to serve families in need, and several said TANF's overall purpose should be expressed as promoting the well-being of children and families.

The next most common "goal" recommendation, closely allied to the existing statutory goal of ending dependence on government benefits, proposed "self-sufficiency" as a key TANF objective. Noting research findings that many ex-TANF recipients have joined the working poor, these groups often urged income supports and better jobs for them, along with education and training to enhance their earning capacity.

Some states expressed views about the objectives of TANF. One said it found reasonable the existing statutory statement of purpose:

Because of welfare I was able to work part time and raise my daughter in a healthy, happy and safe environment: our home. PLEASE, make welfare work to ensure low-income families can work their way out of poverty.

— former welfare mother

To increase state flexibility in operating programs designed to achieve (1) support of needy children in their own homes, (2) an end to dependence on government benefits, (3) reduction or prevention of out-of-wedlock pregnancies, and (4) promotion of the formation and maintenance of two-parent families. One said TANF should maintain “core” elements, including no entitlement and a continued focus on work. Another state said it would be a serious mistake to take the focus off work and training.

Remarks about the current family formation goals (numbers 3 and 4 above) disclosed disagreement. Most commenters favored efforts to reduce unwed pregnancy, especially among teenagers. But many opposed the current abstinence-only education

Welfare reform has begun to improve the old welfare system by promoting work and responsibility. These first few years of implementation, however, have demonstrated that there is much more that needs to be done to help low-income families achieve self-sufficiency.

— state welfare agency

programs aimed at that goal, instead favoring more comprehensive education on reproduction and birth control. Many commenters urged that government be neutral regarding marriage. Sample comments give their flavor: “Government should not legislate morals or favor married couples.” “The shift to promoting marriage is dangerous.” “Marriage is a highly personal matter.” A common view was summed up by county welfare directors: “Permit but don’t mandate marriage promotion.” On the other hand, a few respondents urged that a portion of TANF funds be set aside for marriage promotion.

Funding

The most common recommendations concerned TANF funding. In terms of sheer numbers, more comments advocating either maintaining or increasing funding were made than were made for any other legislative recommendation. Moreover, recommendations not to cut funding or to increase TANF funds were made by all categories of commenters. Additionally, there were a large number of comments that advocated retaining, or even expanding, state flexibility in the use of grants. Retaining state flexibility was a major concern of organizations representing state interests, but it was a theme in other comments as well.

Basic Funding Levels. The 1996 welfare reform law established a basic \$16.5 billion annual block grant to states for FY1997-FY2002; Congress has continued the program at this funding level through a series of short-term extensions. This amount was based on federal funding in the mid-1990s for TANF’s predecessor programs, and is not adjusted for inflation or for a state’s needs. (The basic \$16.5 billion block grant lost 15% of its value over the FY1997-FY2004 period.) In addition to federal funds, TANF programs receive a financial contribution from the states under a maintenance-of-effort (MOE) requirement. Like the basic block grant, the required MOE is based on historical expenditures in TANF’s predecessor programs (national total of \$10.4 billion). The number of families receiving cash welfare declined by almost 60% from March 1994 to September 2001 and has remained relatively constant through March 2004, but states have used their flexible TANF dollars to provide new types of services to welfare and other low-income families.

A large number of those who commented called for increasing the TANF block grant for inflation. This was a recommendation of the American Public Human Services Association (APHSA) that was also reflected in many comments from state human services agencies as well as other organizations. Other

national organizations that recommended adjusting the grant for inflation included the Children's Defense Fund, the National Association of Social Workers, and the Child Welfare League of America. Several Senators, Governor Lincoln Almond of Rhode Island, the California Legislature and the Washington State Legislature Democratic caucus all called for adjusting the basic block grant for inflation.

Even though TANF caseloads have fallen by 50 percent, it is clear that the need for TANF-supported services has not declined. Federal data reporting of the TANF caseload reflects only the number of families receiving TANF cash assistance in a given state; it does not include families that receive TANF-funded child care, employment and training, counseling, and other supportive "non-assistance" services

— national association of state welfare agencies

Others who commented suggested an unspecified "increase" in funding. Some simply argued that funding needed to be maintained. They countered arguments that the grant should be cut because of the decline in the cash welfare caseload by noting the expansion of services beyond cash welfare that has occurred under TANF and the more disadvantaged caseload that remained.

Many organizations and commenters who suggested maintaining or increasing federal TANF funding also recommended maintaining the MOE requirement at least at current levels. Some organizations, including APHSA, said that if the TANF block grant were adjusted for inflation, the MOE requirement also should be increased. A few state human services agencies (e.g., Maryland) followed the lead of APHSA on this point, but many were silent. Virginia, under the previous Governor's administration, recommended that an MOE based on prior law caseloads be discontinued.

Other Grants. In addition to the basic block grant, TANF includes a contingency fund to provide additional funding during recessions, supplemental grants for certain states with high population growth and/or low historic federal funding per poor person, and a welfare-to-work grant program to help localities provide employment services to certain TANF recipients and other groups, including noncustodial parents. These grants also were the subject of several comments, although not to the degree that basic funding was discussed.

There was widespread sentiment that there should be a TANF contingency fund to help states through a recession. Further, there was sentiment that access to the contingency fund created by the 1996 law was too restrictive. The most common proposal was to reduce the amount states needed to spend before they could access the fund. Additional comments requested that the fund be less restrictive, but did not specify changes that should be made.

Both supplemental grants and welfare-to-work grants were the subject of some comments, but their constituency was relatively narrow. Supplemental grants are

generally made to states in the South and interior West (the West Coast states of California, Oregon, and Washington did not receive supplemental grants). Most calls for renewing supplemental grants came from those states that received them or from national organizations. Similarly, there were relatively few calls to reinstate welfare-to-work grants. These grants were generally administered locally, rather than by the states. The major national organization advocating a welfare-to-work grant program was the U.S. Conference of Mayors. Also supporting these grants was the National Child Support Enforcement Association. Generally, state organizations (except the Iowa Department of Human Services, which recommended that they be continued and expanded) were silent on whether welfare-to-work grants should be renewed.

Regarding additional TANF grants, some commenters would establish a new bonus for poverty reduction; some would revise the existing high performance bonus that rewards states for certain outcomes; and some would eliminate or alter the existing bonus for reducing out-of-wedlock births. (See additional discussion of bonus funds under **State Accountability** section, below.)

Flexibility in the Use of Grants. Under current law, states may expend TANF funds in any way “reasonably calculated” to achieve the goals of the program. States also may transfer up to 30% of the federal TANF grant to the Child Care and Development Fund and the Social Services Block Grant (SSBG). SSBG transfers are limited to 10% of the TANF grant; this ceiling was set to decline to 4.25% starting in FY2001 but Congress has maintained the 10% limit through annual appropriations laws. States also may carry over funds without fiscal year limit, but carried-over funds can only be used to provide “assistance” (essentially ongoing cash welfare) to families.

A common theme running through the reauthorization comments was maintaining state flexibility in the use of grants. However, some advocacy and public commenters did suggest particular uses of TANF funds, and some even advocated legislative restrictions on the use of funds by states. Organizations representing the states often called for continuing the authority to transfer funds (with the SSBG transfer limit set at 10%, rather than 4.25%), and no “earmarking” of funds for specified purposes. The suggestion that a portion of TANF funds be set-aside for promotion of marriage received more negative than positive comments, including from advocacy organizations and others. It was common to suggest that if Congress wished to emphasize a particular goal or set of activities, additional funds (rather than set-asides from current funds) should be provided.

The states and others sometimes sought more flexibility in the use of funds, particularly asking for the ability to use carry-over funds for any TANF activity (instead of just cash welfare). Generally, this was not opposed. However, the Center on Budget and Policy Priorities commented that states should

The four purposes [of TANF] along with the flexibility granted to states resulted in a remarkable transformation of welfare programs. With an economic downturn evident and caseloads on the rise, the last thing states need is a more prescriptive program. Keep the purposes and the flexibility.

— member of the public
(no further identification)

have the ability to reserve only a “limited” amount of TANF funds (50% of the block grant), and be required to spend additional grants within three years.

The states and advocacy groups split on the issue of “supplantation,” i.e., use by states of federal TANF dollars for activities that are allowable under TANF law to achieve its broad goals, but which were previously paid for with state funds. A large number of advocacy organizations and commenters — both national and at the state and local levels — recommended legislation to prohibit supplantation. The states, by and large, opposed this effort as a restriction of their flexibility in using TANF dollars.

There also were some general comments about the use of funds, particularly advocating an increased emphasis on the use of TANF for certain activities. These comments were not always phrased as legislative recommendations, and sometimes suggested that TANF be used for activities that are already allowable by law, or commended states for using funds for these activities. For example, there were comments on the expanded use of TANF funds for Individual Development Accounts, supplements to the Earned Income Tax Credit (EITC), economic development or job creation, development of model programs, and services to address the needs of families with barriers to self-sufficiency. A few urged that TANF grants be allowed to fund foster care and adoption. Some suggested that TANF funds, which now cannot be used for medical services, be permitted for some medical services payable under Medicaid, such as behavioral or mental health assessment. Several commenters requested that treatment for alcohol and drug abuse be exempted from the definition of “medical services” to facilitate use of TANF funds for them. One state said that TANF should provide a specific amount for intensive family development services.

Program Requirements

Federal law gives states flexibility in the design of their welfare programs, within certain federal parameters. For example, the welfare law prohibits the use of federal funds to provide ongoing cash welfare to a household with an adult who has received benefits for 60 months. States may exempt up to 20% of their caseload from this time limit, and they also may establish shorter time limits. States also can use their own funds to serve recipients beyond the federal time limit. States also establish their own eligibility rules; however, federal funds cannot be used to serve certain categories of individuals (e.g., specified groups of noncitizens, certain felons, unwed parents under 20 unless they comply with certain requirements). Furthermore, while states design their own programs, federal law requires states to engage a certain percentage of their caseload in work activities (referred to as the work participation rules). The law specifies which activities “count” toward this requirement, and clearly emphasizes “work first” before education and training or other types of activities. These and other program requirements were the subject of many comments, some of which advocated additional federal requirements (more extensive applicant screening, for example). In general, these comments did not come from states or organizations representing states, which tended to favor flexibility at the state level.

Time Limits. Comments showed overwhelming support for liberalization of the current law five-year limit on federally funded ongoing cash aid. Proposals included suspending the time limit for persons who comply with program requirements; increasing the hardship exemption (from the current 20% of caseload limit); requiring or allowing states to suspend the time limit for working recipients; and allowing or requiring extensions in times of high unemployment. Some recommended that certain caregivers be categorically exempted from the time limit. Some proposed to prohibit state time limits shorter than 60 months, and a few proposed to lengthen the federal limit.

Eligibility Rules. Three categorical eligibility rules received comment: the ban on federally funded TANF payments for immigrants during their first five years of residence (discussed in more detail in the section on **Noncitizens** below); the prohibition on TANF for persons convicted of a drug-related felony (unless the state opts out by state law); and the ban on TANF aid to an unwed mother under age 20 who does not live with an adult (with allowance for good cause exceptions). Those who commented recommended repeal of all these restrictions. Some also recommended that states be barred from imposing a “family cap” on benefits (paying no benefit or a reduced amount on behalf of a new baby born into a TANF family). Existing law is silent on this issue. Many urged that eligibility and benefit policies not be allowed to discriminate against applicants or two-parent families. Many proposed that the federal government require that states pay a specified minimum benefit, and some proposed that states be required to base benefits on “real need” and to index them for inflation.

Work Rules. The National Governors Association was among many commenters who urged that states should have greater authority to determine work activities that are countable toward federal requirements. Among the numerous persons who commented on TANF work activities, there was overwhelming support for allowing more “human capital” activities (education and training) to be credited toward the work participation requirements and for lifting restrictions on creditable vocational educational training. (Under current law, participation in education — completion of high school and vocational educational training — can account for no more than 30% of persons credited with work, and vocational educational training is countable only for 12 months.) Numerous persons urged that “rehabilitative activities,” such as participation in treatment for substance abuse, mental illness, and domestic violence, be counted as a work activity. Many recommended that domestic duties (caring for a disabled or ill family member, for example) be treated as a countable work activity. Further, some urged that job search be a countable activity for longer than six weeks.

Rhode Island and Arizona said federal work participation rates should be dropped. Utah called them administratively burdensome and not instrumental to success. Virginia and New Hampshire, and the American Public Human Services Association, said participation rates should be replaced by outcome measures of success. Another state suggested that partial credit should be allowed for persons working fewer hours than the weekly minimum (now 30 for most families). Some persons urged elimination of the higher participation rate for two-parent families (90% vs. 50% for “all” families). Many commenters urged that participation rates be suspended or reduced for times and areas of high unemployment. Some urged that

the caseload reduction credit be ended or modified (this credit reduces state work participation rates by one percentage point for each percent reduction from 1995 levels in the state's average monthly caseload; its effect in 2002 was to lower to zero the effective participation rates in 21 states). A few commenters sought to have Congress exempt certain persons (parents with a child under four, with a child under one, with multiple barriers to work) from both work requirements and the calculation of participation rates. One state recommended that any persons exempted by the state from work should be disregarded in calculating official participation rates.

Assessments. Concerns about TANF participants with multiple barriers to employment were raised frequently by commenters, including those who addressed the law's provisions regarding assessments. Under current law, the state agency responsible for administering the TANF program is required to make an initial assessment (within 90 days of determining that an individual is eligible for TANF benefits) of the skills, prior work experience, and employability of each TANF recipient who is at least age 18 or who has not completed high school or obtained a certificate of high school equivalency, and is not attending secondary school. On the basis of the assessment, the state TANF agency has the option, in consultation with the recipient, to develop an individual responsibility plan for the recipient. The manner in which assessments are performed varies across states; for example, some states simply have a form for recipients to fill out, others have an in-depth questionnaire, some have caseworkers conduct cursory interviews with recipients, while others use specialized staff (such as a substance abuse specialist) to perform interviews.

Many respondents proposed that states be required to screen all applicants, assess their employability, and determine whether they have barriers to employment. The commenters usually mentioned the following as barriers to employment: being a victim of domestic or sexual violence, mental health problems, physical disabilities, substance abuse problems, and limited English proficiency. Many of the commenters also wanted to mandate that states provide the appropriate types of services to help recipients deal with their employment barriers. Many commenters maintained that caseworkers needed more specialized training to properly screen recipients; some suggested that qualified professionals be used to screen recipients and perform assessments. In general, the commenters supported requiring states to do more to protect vulnerable families with multiple barriers to employment. They urged that states serve and "protect" the most vulnerable and provide more help for those with severe work handicaps. Consistent with this concern, many commenters wanted states to perform additional assessments before sanctioning a family.

All states must be required to implement mandatory screening and assessment for barriers to TANF participants, especially those related to mental health, substance abuse, and domestic and sexual violence.
— social work student (recommendation of national advocacy organization campaign)

Additional comments on this topic were mentioned by only one or two groups or individuals. Recommendations included establishing panels to identify appropriate strategies for dealing with persons with multiple barriers to employment, providing referral information to vulnerable families if the TANF agency could not

provide the needed service, performing assessments on recipients annually, extending the “family violence option” (which requires screening and referral to services for victims of domestic violence) to other employment barriers, offering mentoring programs to vulnerable families, providing extra funding to reduce language barriers (including hiring staff that speak Spanish, etc.), providing family needs assessments as well as vocational assessments, and extending assessment services to noncustodial parents of TANF children.

Sanctions. Sanctions are financial penalties for failure to comply with work or other requirements of the state TANF programs. Under current law, states must impose sanctions on families that refuse, without good cause, to participate in required work activities. States also must impose sanctions on individuals who fail to cooperate without good cause with Child Support Enforcement (CSE) requirements, and on teen parents who fail to comply with school attendance and living arrangement requirements. In addition, states may sanction families that are not complying with their individual responsibility plans (which can include requirements that custodial parents attend school, maintain certain grades and attendance, ensure school attendance of their school-aged children, obtain proper immunizations for their children, attend parenting and money management classes). In general, states have considerable flexibility in the design of their sanction policies (e.g., size of the sanction, exemptions from sanctions, etc.).

Most persons commenting on sanctions urged that Congress prescribe sanctioning procedures. Some

recommended that full family sanctions, in which the entire

cash grant is eliminated, be prohibited, at least for a first violation. Most of the commenters maintained that recipients should be assessed or screened before sanctioning occurred. These commenters generally said that states should be required to review cases, and to acknowledge and address severe or multiple employment barriers before families are allowed to lose TANF benefits. Moreover, some of these commenters argued that vulnerable families with severe work barriers should not be sanctioned as long as they are participating in a program or receiving a service to ameliorate their barriers. Many respondents wanted to ensure that due process concerns (e.g., timely notice, a reassessment, fair and nondiscriminatory practices, and opportunity for a fair hearing) were adequately addressed before sanctions were imposed. Numerous respondents supported expansion of the existing federal child care exemption (for caretakers of children under age six) to include older children (school-age children, adolescents, disabled children). Some also proposed that “good cause” for work refusal should include lack of transportation, lack of quality child care, and suffering from a serious impairment (substance abuse, mental illness, domestic violence) or being in treatment for the impairment. In contrast, several commenters stated that strict sanctions, such as full family sanctions, are needed to ensure that families comply with program requirements. One state welfare agency maintained that states should continue to have the right “to design penalties as they see fit.”

Full family sanctions should be prohibited, realizing children receive the worst impact of such sanctions.

— state advocacy organization

Additional comments on sanctions, mentioned by only one or two groups or persons, included support for funding of programs to increase compliance and reduce the need for sanctions, such as home visiting programs; giving families more opportunities for compliance before a sanction is actually imposed; using a protective payee approach rather than a full family sanction; ending sanctions immediately after a family complies with program requirements; and eliminating sanctions altogether.

Treatment of Special Groups

Domestic Violence Victims. Some commenters urged that the protections for domestic violence victims under the “family violence option” (now adopted by 44 TANF jurisdictions) become mandatory, and several proposed that states be required to adopt specific procedures for serving victims of domestic violence, including counseling for noncustodial fathers, education on domestic and sexual violence, and mandatory caseworker training.

Teen Parents. Few persons commented on teen parent rules, but of those who did, most favored ending the requirement that they live under adult supervision, and some favored dropping the requirement that they attend school. Some proposed that the federal time clock not commence until these parents reach age 20, and one law center said states should have full authority to develop programs for teen parents.

Mothers of Young Children. Various individuals suggested exempting mothers from work requirements for a time after their youngest child reached age one (the current outer limit in federal law). The several proposals were to lift the threshold to age one, age three, age four, or age eight and in each case to exclude the exempted mothers from the calculation of work participation rates. One person said all states should be required to adopt a uniform age of youngest child at which the parent would be required to work.

Nonparental Caregivers. Among the persons commenting on rules and benefits for nonparental caregivers of TANF children, all but one favored a federal rule exempting the caregiver from the time limit; most also favored exempting the caregiver from the work requirement, and three said states should have the option to decide these issues. Under current law, a caregiver who receives TANF-funded assistance on his or her own behalf is subject to TANF’s work and time limit rules. (Also see comments on **Child Welfare**, below.)

Rural Issues. A small subset of commenters focused mainly on rural issues; a few other commenters included recommendations about rural recipients within their more general comments about TANF. Among comments focused on rural issues, there was general agreement about the difficulties faced by rural welfare recipients. Transportation and child care were two areas that, while seen as problems for TANF recipients in general, are viewed as much worse for rural TANF recipients. Recommendations included providing transportation assistance (such as car-buying programs), allowing child care to count as a work activity for mothers with children up to age two, and counting travel time toward work participation hours.

Indian Tribes. Several states with Indian populations (including at least one that contributed state funds to tribal programs and received TANF maintenance-of-effort credit for the spending) said tribal block grants should be fully federally funded. Two tribes advocated tribal access to bonus and contingency funds, and also recommended that TANF funds and programs be better coordinated with other federal tribal workforce development programs. Two groups proposed that a tribal employment services program be established to replace the current Native Employment Works program. One tribe said a poverty level should be developed specific to tribes, and one group said all participants in a tribal work program should be exempt from work participation calculations. Five commenters advocated giving Indian tribes technical assistance to support their infrastructures.

State Accountability

Federal TANF law establishes program goals, provides states with funding for activities to achieve these goals, and has penalties and bonuses to enforce requirements and reward high performance. States are required to submit to HHS a plan of the program they intend to operate, and report data to HHS on the characteristics, work, and job preparation activities of cash welfare recipients. These documents and data reports provide HHS and Congress with information to help monitor states' progress toward achieving the goals set forth in TANF. The following section discusses comments on TANF bonuses and data reporting requirements.

Bonuses. Current TANF law provides for two bonuses: one for reducing out-of-wedlock births (with reduced abortion rates); and a "high performance bonus." There was little comment on the efficacy of providing bonuses as a means of encouraging states to design programs to meet federal goals. Rather, comments generally focused on support or opposition to particular bonuses or criteria for awarding bonuses.

As discussed in the section on program goals and philosophy, one of the most common comments was to establish reduction in poverty as a TANF goal. Many of those who made that recommendation also suggested that a poverty reduction bonus be added to TANF. Few state groups made this recommendation, with the exception of New York, which commented that any use of child poverty as a measure of meeting program goals should be in a positive framework, such as a performance bonus. However, recommendations for a poverty reduction bonus came from the broad spectrum of those who sought to incorporate poverty reduction as a goal of TANF (national and state and local advocacy organizations, faith-based groups, community service organizations, and members of the general public).

There were a number of suggestions to abolish the current bonus for reducing out-of-wedlock births. Some suggested that these bonus funds be put to other uses. For example, the Center on Budget and Policy Priorities recommended replacing this bonus with a fund to conduct research on policies that could enhance the well-being of families with children. The NOW Legal Defense and Education Fund suggested replacing the out-of-wedlock birth bonus with a poverty reduction bonus, and the

Minnesota Department of Human Services recommended moving its funding to the high performance bonus.

The comments on the high performance bonus generally related to specific criteria used to measure performance and award bonuses. Minnesota's Department of Human Services suggested eliminating the measures that award part of the bonus based on coverage of the Food Stamp and medical assistance programs. A number of commenters suggested adding additional measures to be rewarded, such as employment in jobs that pay a certain wage, job advancement, effectiveness of services for different groups (e.g., racial ethnic groups/people with disabilities/low-income communities), and reductions in homelessness.

Information and Data Reporting. Sharp divisions appeared in the comments between state groups and others who addressed the subject of information available about state programs and data reporting. Advocacy groups typically requested more information and more data. States generally opposed adding to existing data reporting requirements and some suggested reducing existing requirements.

Among the state human services agencies that commented, additional reporting requirements were unanimously and adamantly opposed. There were calls to streamline and simplify existing reporting requirements. Concerns about the impact of any additional reporting requirements on state computer systems (e.g., changes to large computer systems necessary to comply with requirements) and a desire that reporting also be separately financed was voiced in the comments.

Other commenters — particularly advocacy organizations — requested more information about state programs. For example, some commenters proposed that state TANF plans be required to include new provisions. Suggested as mandated plan provisions were: procedures for civil rights complaints; a description of how the state (and the county, in county plans) will function as a partner in the Workforce Investment Act (WIA) one-stop center and how funds will flow; a report on what strategy will be used to help families with limited English proficiency; a description of how states will enter into cooperative agreements with state vocational rehabilitation agencies to be sure that TANF parents are assessed for "hidden disabilities" before being required to work; and a description of how states will assess the needs of kinship families.

The Center on Budget and Policy Priorities suggested that the HHS annual report to Congress include more detail on state program rules. Better reporting of how federal and state funds are spent was also requested by a number of groups. A large number of commenters urged that states make data publicly available, with information provided by race and ethnicity to ensure that services are provided on an equitable basis.

Administration. A number of additional comments related to state administration were received. For example, some persons said that states should be required to accept TANF applications immediately and unconditionally. Some urged that states use a planning process that includes input from the public, and that HHS monitor compliance with this rule. (Current law requires that a summary of any plan

or plan amendment submitted to HHS be made available to the public.) Several commenters urged that states be required to make sure that caseworkers are adequately trained. With regard to federal administration, one state urged that regulations be kept to a minimum.

Equitable Provision of Services and Benefits. A sizeable number of national, state and local advocacy groups addressed the need to ensure fair and equitable treatment of TANF recipients and applicants. These comments concerned fair access to TANF benefits and services, as well as equitable treatment for TANF recipients. In general, commenters sought to ensure that civil rights and labor law protections applied to TANF recipients. And, together, they listed a wide variety of conditions, characteristics or statuses that they asserted *should not* be a factor in access to or receipt of TANF benefits or services. These include applicant or recipient status, mental or physical disability, marital status, race, gender, ethnicity, sexual orientation, criminal record, immigration status, and primary language.

Within the context of ensuring equitable access to all, some commenters specifically mentioned the need for language-appropriate services, education, and welfare-to-work services that meet the needs of all TANF recipients. Many of these commenters also asked for greater attention to compliance with labor and civil rights laws, as well as with the Americans with Disabilities Act, including specific data reporting on benefits and services provided by race, gender, and other categories.

Summary of Comments on Related Programs

Child Care

Many commenters focused on child care issues affecting low-income families, and provided recommendations with respect to the reauthorization of the Child Care and Development Fund (CCDF), as well as TANF.⁴ Both of these federal block grants support child care for low-income families, but only the CCDF is dedicated solely for that purpose.⁵ As a result, recommendations for changes in funding and program requirements usually applied to the CCDF, but not always. In some cases, commenters called specific attention to TANF's role in supporting child care services and suggested changes to the federal TANF law (i.e., requiring that TANF-funded child care meet the same health and safety standards of CCDF-funded child care). At the broadest level, the comments reflected a desire to improve the availability, affordability, and quality of child care. The suggested means for achieving those

⁴For a comparison of child care legislation approved by the House and Senate Finance and HELP Committees in the 108th Congress, see CRS Report RL32241, *Child Care Reauthorization: A Side-by-Side Comparison of Child Care Provisions in H.R. 4, S. 880, and Current Law*, by Melinda Gish.

⁵ The term "CCDF" refers to the combination of mandatory and discretionary funding that is used to administer programs under the rules of the Child Care and Development Block Grant (CCDBG) Act. In this report, "CCDF" is used not only as a funding term, but also to encompass all rules and regulations under which those funds are administered.

improvements generally involved making changes with respect to CCDF funding, program requirements, and data collection.

Funding. The most frequently submitted comment with respect to child care called for increasing CCDF funding. Many commenters specifically recommended increasing the mandatory portion (CCDF is funded through a combination of mandatory and discretionary grants. Total CCDF funding appropriated for FY2005 amounts to \$4.817 billion, with the mandatory portion comprising \$2.717 billion — these amounts have been roughly unchanged since FY2002.) Commenters of all types expressed the sentiment that funding for child care has fallen short of the need, and that increasing CCDF funding would help move toward serving all eligible children and help improve overall child care quality.

In addition to increasing the overall funding available for child care, many commenters favored raising the percentage of CCDF funds that states are required to set aside specifically for promoting quality activities.

Under current law, 4% of CCDF funds must be dedicated for this purpose, and many commenters expressed support for raising that percentage to 12%. Likewise, several commenters advocated increasing the funding reserved for infants and toddlers. Comments that deviated from promoting these set-asides came from at least two organizations which, while supporting an increase in overall funding, oppose additional set-asides in favor of greater state flexibility in their use of CCDF funds. One research/advocacy organization emphasized that while they do support providing additional resources for the quality set-aside, it should not reduce the current level of funding available for actual child care slots.

Funding for child care has fallen short of the true need. Waiting lists for child care programs are common and place our most vulnerable children in substandard care.... [Fund] more slots and [set] higher income guidelines.

— community service organization

Aside from funding levels and set-asides, a number of commenters expressed support for simplifying CCDF rules for states' obligation and expenditure of funds, by making the time periods for doing so identical regardless of CCDF funding stream.

Program Requirements. Most of the comments that called for changes in CCDF program requirements reflected those commenters' lack of satisfaction with the availability of quality child care, both during standard work hours, and weekend and evening care. Numerous comments expressed the sentiment that one way to improve child care quality is "to improve compensation for providers and to help them get additional education." However, only a few of those commenters mentioned dedicating specific funds for this purpose (i.e., a set-aside). Several individuals and organizations called for *requiring* that all providers receiving CCDF funds have training in childhood development before caring for children. Moreover, some commenters recommended using provider payment rates as a means of improving quality of care. Each of these commenters suggested the federal government "require states to pay the full market rate [as opposed to the 75th percentile suggested in CCDF regulations] for child care, and higher rates for care that is of higher quality, limited supply, for children with special needs, and children

in low-income communities.” With respect to the providers who receive public funds, many commenters said that they should be subject to at least two mandatory, unannounced visits a year.

Several commenters recommended a requirement that every community have access to child care resource and referral agencies. Many comments also expressed support for simplifying the application and recertification process for parents. The most common recommendation in this area was to require certification for CCDF subsidies no more than once a year, so that the recertification process would be less likely to present a barrier to receiving subsidies.

Data Collection. Those submitting child care comments overwhelmingly recommended additional funding, citing a need to improve child care availability, affordability, and quality. However, many acknowledged a lack of comprehensive national data to illustrate the needs they describe. Several comments included identical language calling for a national data collection initiative to gather information on child care supply and demand, as well as quality available to low-income families.

TANF-Funded Child Care. Several commenters who addressed child care issues suggested two TANF-related modifications. The first, alluded to earlier, would require that the health and safety standards applicable to CCDF child care providers *also* apply to providers receiving funds directly from TANF. Under current law, TANF funds *transferred* to the CCDF are required to be spent according to the CCDF rules, but TANF funds spent for child care directly within the TANF program are not. The second modification relating to TANF child care concerns the definition of “assistance” under TANF. Under current law, TANF program requirements (i.e., work requirements, time limits) are triggered when TANF money is spent on “assistance” as defined by HHS in regulation. Whether child care is classified as “assistance” depends on the individual situation. For example, child care for a working person is not assistance and would not trigger TANF requirements, whereas child care for a nonworking person, such as a cash welfare recipient in a training program, would be categorized as “assistance” and thus trigger TANF requirements. Several commenters suggested that child care should not be counted as “assistance” under any circumstances.

Child Support Enforcement⁶

Most of the individuals or groups that made comments on the Child Support Enforcement (CSE) program were interested in getting more child support to children. They wanted child support collections to be paid to former TANF families first, before the state or federal government could claim for their own expenses any child support arrearage payments (as required under current law, up to the amount of TANF benefits that had been paid to the family).

⁶ For a comparison of child support provisions passed by the House and Senate Finance Committee during the 108th Congress, see CRS Report RL32258, *Child Support Enforcement: Side-by-Side Comparison of Current Law and Two Versions of H.R. 4*, by Carmen Solomon-Fears.

In addition, they wanted some of the child support collected on behalf of current TANF families to be passed through to the families and disregarded in determining the family's TANF benefit amount. Some of these commenters stated that the current law requirements regarding the federal share should be eliminated. In other words, they maintained that states should be able to pass through and disregard a portion of child support collected on behalf of a TANF family without having to reimburse the federal government. Most commenters did not put a dollar amount or percentage on how much child support should be passed through and disregarded, and only a minority said all of the child support collected for a TANF family should be passed through and disregarded. A few commenters said that states should be rewarded with monetary incentives for providing more child support to TANF families. Several commenters suggested that the child support passed through and disregarded should be counted as state MOE funds or that TANF funds be used to help support the child support pass-through.

Child support payments should benefit the child, not the state or federal government. One of the reasons that low-income fathers do not pay child support, or do not pay it on the record, is because when their child receives TANF assistance, their child support will be used to reimburse the state rather than to support the child.

— national advocacy organization

Another frequent recommendation was to repeal the existing federal requirement that TANF applicants and recipients cooperate in establishing paternity or obtaining support payments. These commenters generally argued that if the custodial parent did not want to pursue child support, it usually was because of a legitimate reason. Moreover, several commenters wanted to eliminate the current law provision that requires TANF recipients to assign their rights to child support to the state.

Several commenters mentioned financing of the CSE system. Some wanted to maintain the current general federal matching rate of 66% of state expenditures on CSE activities, and the 90% federal matching rate for the laboratory costs of paternity establishment. A couple of commenters wanted the enhanced automated systems matching rate, which was 80% of a capped amount, reinstated until October 2005. Other commenters wanted a 90% federal matching rate for costs associated with medical support. A few commenters wanted to eliminate or adjust the current law cap on incentive payments to the states, which requires states to compete among each other for a fixed amount of funds.

Other comments, which were raised by only a few people, called for additional funding for visitation programs in which noncustodial parents would have more access to their children, the development of fatherhood programs, a requirement that unemployed noncustodial parents participate in welfare-related work programs, the transfer of the administration of the CSE program from the states to the Internal Revenue Service, and the initiation of a forgiveness program which would allow noncustodial parents who consistently paid their child support obligations on time to not have to pay a specified percentage of

Convene a panel of noncustodial parent organizations to seek their advice on how TANF, CSE, child care, and related programs can best serve them and their children.

— men's advocacy organization

their child support arrearages. In addition, there was concern about the need to do more to enforce the child support obligations of higher-income noncustodial parents, the need for more collaboration between the CSE agencies and the TANF agencies, increased communication among the states, the need for states to properly distribute undistributed child support collections, and the need for states to better use the tools available to them for the enforcement of child support.

Medicaid

The subject of Medicaid drew comments from a relatively small number of persons. The predominant Medicaid recommendation was that eligibility should be extended to cover working parents without other health insurance coverage. The next most common recommendation was for some form of general health care coverage, at least for families with children. One proposed that Medicaid be converted into “universal coverage” for those with income below 200% of the federal poverty guideline. Some sample comments: “Provide a national health care plan (or at least permit low-wage employees to ‘buy into’ Medicaid).” “Provide new funding, incentives, and authority to states to expand health insurance coverage.”

Some persons mentioned transitional Medicaid assistance (TMA).⁷ The TMA provision, which requires 12 months of coverage for families whose earnings end their TANF eligibility, expired on September 30, 2002, and has been extended through a series of temporary measures, along with TANF. Most of the commenters said TMA should continue to provide at least one year of coverage; two said it should be automatic and another that its reporting and income rules should be abolished. Some recommended that the length of TMA be doubled to 24 months (one at state option), and two urged that Medicaid be extended indefinitely to ex-TANF recipients, without time limit. One urged that application for TMA be consolidated with application for food stamps and child care.

A few groups urged revision of basic Medicaid eligibility rules. A poverty law center recommended that Medicaid eligibility be relinked to TANF (conferring automatic Medicaid coverage on TANF recipients). The Minnesota Department of Human Services said states should have authority to “align Medicaid with TANF eligibility,” and be allowed to adopt a two-tiered system, with separate eligibility standards for TANF and non-TANF families. The County Welfare Directors Association urged that states be given the option to extend Medicaid (and the state Children’s Health Insurance Program [SCHIP]) to noncustodial parents who are paying child support. One commenter urged a new “federal eligibility floor” for Medicaid. Three commenters recommended that Congress end the ban on Medicaid reimbursement for residential alcohol and drug treatment programs.

A law center said states should be required to “act affirmatively” to ensure that persons eligible for Medicaid and SCHIP receive those benefits, and a legal aid group urged that procedures be established to ensure that eligible prisoners are enrolled in Medicaid when they leave prison or jail.

⁷For information on this program, see CRS Report RL31968, *Transitional Medical Assistance (TMA) Under Medicaid*, by April Grady.

Food Stamps⁸

Among those who commented, there were a number of calls for unspecified “strengthening” of food stamps, and making the program a more effective “safety net” for low-income families. Such comments, and those proposing an increase in either food stamp funding or benefit amounts, were typically made by advocacy and faith-based organizations or the general public. Some persons associated with state human resource agencies expressed opposition to creating a block grant to replace the existing Food Stamp Program. The Progressive Policy Institute recommended that Congress “radically rethink” the Food Stamp Program’s place in a network of supports for working families.

Additionally, there were comments from the American Public Human Services Association (APHSA), states human resource organizations, or state organizations suggesting simplification and a streamlining of food stamp rules. There were a few calls to de-emphasize the program’s administrative emphasis on reducing error rates.

Child Welfare

A limited number of commenters made recommendations that dealt with child welfare services and/or the interaction between TANF and child welfare services.

Generally, children who receive a TANF benefit and are cared for by a non-parent relative (e.g., grandparent or aunt) would, in the absence of this kin care, be in state protective custody (foster care).

Clarify [the] law to permit the use of TANF funds to provide support services, including child care, to kinship caregivers of TANF-eligible children, without regard to income...”
— state association of county welfare agencies

Commenters, who ranged from national research/advocacy groups and county welfare directors to community service organizations and social work students, called for fewer requirements and greater access to support services for kinship care givers. (See **Treatment of Special Groups — Nonparental Caregivers**, earlier in this report, regarding exemptions from TANF requirements.) A number of commenters also advocated for kin caregiver’s access to other kinds of support, such as child care assistance, respite care, and food stamps, and a national advocacy organization suggested that states be required to provide information in the TANF state plans about how they will assess and serve the needs of kinship families.

Under the 1996 welfare reform law (as amended in 1997), a state may claim federal reimbursement of certain foster care and adoption support expenses only if the child on whose behalf the funds were spent was removed from a family that would have been eligible for AFDC (as it existed on July 16, 1996). A few commenters, primarily state and county human services agencies — or groups who advocate for them, proposed severing this relationship between the now-repealed

⁸Food stamp amendments were enacted in 2002, after these comments were submitted. For a summary of food stamp provisions in the 2002 Farm Act, see CRS Report RL31195, *The 2002 Farm Bill: Overview and Status*, pp. 18-21.

AFDC program and federal foster care and adoption assistance. They recommended basing eligibility on a child's need alone, or letting states set their own income eligibility levels (e.g., up to 200% of the federal poverty level). Some commenters also took the opportunity to call for greater funding or increased flexibility in the use of other child welfare funds. Recommendations included increased funding for the Promoting Safe and Stable Families Program, directing some federal spending from foster care and adoption assistance to more preventive child welfare services, and modifying restrictions on certain funds to improve coordination between child welfare services and TANF.

Other Programs

Numerous commenters understood TANF as one component of a broader social safety net, and as a result, promoted increased support for a variety of other programs and laws designed primarily to assist low-income individuals and families. These include the Earned Income Tax Credit (EITC), Unemployment Insurance, the Social Services Block Grant (SSBG), the Community Services Block Grant (CSBG), the minimum wage, and housing assistance. Public state and local human service agencies were among the commenters on SSBG but most additional recommendations concerning "other programs" came from advocacy groups, community service organizations, labor unions, and the general public.

Earned Income Tax Credit. Among the community service providers, local and national advocates, legislators, researchers, and others who commented on the EITC, there was near unanimous support for an expanded or increased federal EITC benefit. (A few commenters only referenced encouragement of state EITC programs.) Specifically, commenters suggested making the benefit more valuable for married couples and families with more than three children, and one suggested making it available to primary wage earners who are attending school/training. The Heritage Foundation suggested increasing the value of the credit for married couples with children, as well as the income range in which the credit is available for such working couples.

Unemployment Insurance. Advocacy organizations at the community, state, and national level (including faith-based organizations), and others commented on the need to reform the federal-state unemployment insurance system. Overall, they asked that the system provide greater security for part-time and low-wage workers in general, and for former TANF recipients in particular. A state advocacy organization recommended that unemployment insurance cover former TANF recipients who are no longer eligible for TANF but who have worked at least half-time.

Social Services Block Grant. Nearly all of the commenters who wrote about the SSBG called for full or historic level funding (which they variously defined as \$2.38 billion or \$2.8 billion) and many asked that the current option, which allows states to transfer up to 10% of their TANF money into the SSBG, be maintained. Support for a "fully funded" SSBG came from a variety of groups, including state and local human service agencies, national and state advocacy groups, faith-based organizations, a labor union, Indian tribe, professional associations, and others.

Community Services Block Grant. A very small number of commenters addressed the Community Services Block Grant. They asked that funding for this block grant be increased, that states be allowed to transfer TANF funds to this block grant, and/or that services funded under TANF and CSBG be better coordinated.

Minimum Wage. A number of commenters included recommendations about increasing the minimum wage as part of their general TANF comments. Of those who mentioned the minimum wage, the majority wanted an unspecified increase to a “living wage.” However, there were several commenters who wanted a specific increase of at least \$1.50 per hour.

Housing. Advocacy groups and faith-based or other community service organizations were the primary commenters who addressed housing concerns; they sought greater attention to housing needs as part of TANF program planning. Citing adequate and stable housing as essential to the achievement of self-sufficiency, many called for an increase in spending for, or creation of, affordable housing (including use of TANF or other funds). A few suggested developing “service-enriched” housing for TANF clients who have multiple or severe barriers to employment. The Wisconsin Governor and State Legislature separately were among the several housing commenters who asked that TANF dollars be allowed for use as ongoing supplemental rental assistance (and that this support be treated as “non-assistance”).

In addition, to give states an incentive to address housing issues as part of their TANF programs, some commenters suggested tying a part of the high performance bonus to a

reduction in homelessness or, separately, to specific criteria that would measure housing stability among families who are TANF income-eligible. Finally, some of those who commented on housing issues urged more effective coordination of services designed to promote self-sufficiency and job mobility among housing assistance and TANF recipients; they also called on HHS and the Department of Housing and Urban Development (HUD) to develop uniform data collection methods for TANF recipients who receive housing assistance.

TANF participants must have stable residential situations before they can secure and handle employment.

— state advocacy organization

Summary of Comments on Cross-Cutting Issues

Noncitizens

Title IV of the 1996 welfare reform law restricted legal immigrant eligibility for several social service programs, including TANF, Supplemental Security Income (SSI), Medicaid, and food stamps. Under the 1996 law, legal immigrants entering the country after August 22, 1996, are ineligible for TANF for a five-year period. States may use federal funds to provide assistance to some groups of legal immigrants, including certain refugees and asylees (for five years after their entry into the country), residents with 10 years of work history, and veterans of the U.S. armed forces and some members of their families. Federal funds also can be used to assist

legal immigrants who entered the country before the cut-off date or after they have been in the country for five years. In addition, states may choose to assist other categories of noncitizens with their own funds. Some of the prohibitions on noncitizen eligibility, especially for SSI and food stamps, have been loosened since 1996, but generally, legal immigrants' eligibility for federal public assistance programs remains very restricted.⁹

Among those commenting on immigrant eligibility for TANF and related social programs, there was almost universal support for loosening the restrictions that were established in 1996. A large number of commenters made

Immigrant children should have equal access to basic assistance, food stamps, health care, foster care and social services, public education and housing, regardless of the immigrant status of the child or the child's parents.

— national legal advocacy organization

recommendations to repeal *all* restrictions on legal immigrant eligibility for social programs (TANF, food stamps, SSI, and Medicaid). Additional commenters recommended ending the ban on immigrant eligibility for individual programs, primarily food stamps and TANF. Only a few commenters wanted to retain the current restrictions, or place additional restrictions on immigrants' access to public benefits, or make legal immigrants completely ineligible. "Immigrants need our help and assistance," said a social work professor. "This country will be stronger and better functioning with the support of our immigrants."

Program Coordination

Although the main purpose of HHS's request for comments was to gather input on TANF, the *Federal Register* notice also requested comments on program coordination between TANF and other benefit programs for low-income families. Food stamps, child care, child welfare, and child support enforcement all were mentioned specifically in the notice. Recommendations regarding each of these specific programs have been discussed above. However, the range of comments went well beyond these individual programs, and covered issues related to the overall social safety net for low-income families and families leaving welfare.

There was general support from commenters for improving coordination between TANF, the Food Stamp Program, and Medicaid. The recommendations provided by commenters addressed improvements in both the systems and the rules for these programs. Most commonly, commenters supported modifying eligibility rules and aligning income and resource rules across programs. To improve the systems, commenters suggested cross-training for case workers, simplifying applications, providing more hours for interviews and recertifications, automatic eligibility for multiple programs, automatic transitional benefits for those leaving welfare, and improved outreach to inform people of their potential eligibility.

⁹For further information and current legislative proposals, see CRS Report RL31114, *Noncitizen Eligibility for Major Federal Public Assistance Programs: Policies and Legislation*, by Ruth Wasem.

Several commenters also advocated more integration of TANF and Workforce Investment Act programs. Other programs mentioned included public housing, vocational rehabilitation, and child welfare programs. These comments came from a wide range of individuals and groups, including advocates and state human service agencies. A university child development center said: “Support collaboration at the service delivery level. Allow families to have one service delivery plan, rather than multiple plans.”

Giving states the flexibility to align program goals, eligibility requirements, and outcomes across programs would allow states to more effectively serve low-income families.

— state welfare agency

Many commenters wanted coordination between TANF agencies and different types of service providers (i.e., community action agencies or domestic and sexual violence agencies). Others recommended more public input. Generally, among those who made comments about coordination, there was support for broadening the range of actors in TANF service provision and allowing specialists in specific fields to deal with their areas of expertise.

Transitional Supports for Welfare Leavers

Families leaving welfare are often eligible for a wide range of benefits and services under various federal or state programs. Recipients who leave TANF for work are not only eligible for, but are often given priority to receive child care subsidies under the state’s CCDF plan. Transitional Medicaid Assistance also is currently available to these former recipients for one year, and up to two years at state option. There was general support among commenters for providing a wide range of supports to recipients who leave the rolls, and a recognition of the importance of these supports in the transition to self-sufficiency. In addition to food stamps and Medicaid, transportation subsidies, child care, and education and training were frequently mentioned as valuable supports for working families. Other services mentioned include job retention services, and housing assistance.

Other suggestions included providing an entitlement to transitional services for a period of time after leaving TANF (e.g., six months, one year), and improving access to supports and making sure leavers are aware of their continued eligibility. As noted above, similar suggestions were made about coordinating program eligibility.

The law should do more to ensure that families leaving welfare continue to receive food stamps, Medicaid, child care and other necessary supports.

— local community service organization

As a response to TANF work mandates and time limits, a number of commenters proposed creating some type of public service jobs program to provide work for families on or leaving TANF cash assistance. The groups mentioned most often as the target population for these programs were families reaching time limits and those with limited work experience. Other populations cited as potential beneficiaries of these programs include the hard-to-employ, those with prison records, and recipients in rural or urban areas with limited employment opportunities

or high unemployment. Among the commenters advocating a public service jobs program, many emphasized that such jobs must pay a “living wage.” Some commenters also wanted these jobs to provide education and training, mentoring, and support services.

Charitable Choice

Section 104 of Title I of the 1996 welfare law addresses services provided under TANF by charitable, religious, or private organizations. Commonly known as the “charitable choice” provision, the stated purpose of this section is to allow states to use religious organizations as service providers “on the same basis as any other nongovernmental provider without impairing the religious character of such organizations, and without diminishing the religious freedom of beneficiaries of assistance funded under such program.”¹⁰

Although there were a number of commenters affiliated with churches or faith-based service providers, these groups did not often comment on the charitable choice provisions under TANF. Comments on charitable choice came from a wide variety of individuals and groups, most of whom had similar concerns about the provision. In general, commenters supported the protections currently afforded recipients under the charitable choice provision (such as the prohibition against requiring religious observance to obtain services) but wanted a system of oversight and increased protections to make sure that these protections were being enforced.

In addition, many of these commenters were concerned that under charitable choice, federal TANF funds could be paid to employers who discriminate in hiring. The current charitable choice provision allows religious organizations who are exempt from Section 702 of the Civil Rights Act of 1964 (which prohibits employment discrimination on the basis of religion) to maintain their exempt status as service providers under TANF. Among those who commented on these provisions, there was strong support for applying anti-discrimination laws to all providers of TANF services.

¹⁰For more information, see CRS Report RS20717, *Charitable Choice, Faith-Based Initiatives, and TANF*, by Vee Burke.

Table A1. Comment and Recommendation Categories¹¹

Program/Category/Recommendation or Comment
TANF
<i>Goals/general philosophy</i>
Make poverty reduction a TANF goal
Strengthen TANF goal related to marriage
Promote marriage-neutral TANF policies
Other proposals related to TANF goals
Goals toward achieving self-sufficiency
Strengthen goal for reducing out-wedlock pregnancies
Other goal/philosophy issues regarding out-of-wedlock pregnancies
<i>State plans/programs</i>
Modify state plan requirements
Require adoption of family violence option
Require states to spell out domestic violence procedures
Other state plan requirements
<i>Funding</i>
Maintain funding level
Reduce funding level
Increase funding level
Adjust funding for inflation
Maintain state MOE rules
Reduce the MOE
Increase state MOE requirements
Change the distribution of funds
Provide supplemental grants (under old rules)
Modify supplemental grants
End supplemental grants
Maintain bonus for reducing nonmarital births
Change bonus for reducing nonmarital births
Eliminate bonus for reducing nonmarital births
Maintain high performance bonus
Revise high performance bonus
Eliminate high performance bonus
Establish a poverty reduction bonus
Establish new bonus (other than poverty reduction)
Other bonus recommendation

¹¹These are the categories that were created in the CRS database to capture all potential comments. However, there were not necessarily comments made in every category listed.

Program/Category/Recommendation or Comment

Provide contingency fund (under old rules or changes not specified)

Change contingency fund economic need criteria

Change contingency fund state spending requirements for access

Increase (or uncap) the size of the fund.

Other contingency fund recommendation

Reinstate welfare-to-work grants

Other welfare-to-work changes

Retain authority to spend TANF on child care

Retain authority to spend TANF on child welfare services

Expand authority to spend TANF on child welfare services

Other Funding Issues

Use of grants

Earmark a portion of grant for marriage promotion activities

Earmark a portion of the grant for reducing out-of-wedlock pregnancies

Add new allowed uses

Maintain the limit on transfers to CCDF or SSBG

Change the limit on transfers to CCDF or SSBG

Permit transfers to additional programs

Other transfer recommendations

End authority to discriminate against interstate immigrants

Prohibit supplantation of state funds

Retain flexibility — no earmarking

Permit payments for ongoing housing

Increase flexibility of use of grants

Increase flexibility in use of prior year grants

Modify the 15% cap on administrative expenditures

Conform use of federal TANF and MOE rules

Other use of grants

Administration

End application of Cash Management Improvement Act to TANF

Requirements for state caseworkers and state program administration

Other administrative

Work requirements

Continue current participation rates

Modify participation rate for two-parent families

Eliminate special participation rate for two-parent families

Expand the state option to exempt parents of young children

Permit states to exempt some categories of recipients in participation calculation

Other changes to participation rates

Program/Category/Recommendation or Comment
Continue caseload reduction credit against participation rate
End the caseload reduction credit
Modify the caseload reduction credit
Modify hours requirements for two-parent families
Modify hours requirements for all families
Modify job search restrictions
Modify vocational educational training restrictions
Work activities: retain existing list of activities
Work activities: add more “human capital” activities
Work activities: add “rehabilitative” activities
Work activities: add domestic duties
Work activities: other recommendations
Prohibition full family sanction for failure to work
Modify state requirement to sanction families for failure to work
Retain existing requirements for states to sanction for failure to work
Prescribe sanctioning procedures
Other recommendations regarding work requirements
<i>Requirements: Definition of assistance</i>
Retain current definition of “assistance”
Change the current definition of TANF “assistance”
Maintain requirement that family have minor child
Make childless families eligible for certain TANF services
Child care not counted as “assistance” under any circumstances
Other recommendation regarding scope of requirements
<i>Requirements: Time limit</i>
Time limit: retain 60-month time limit
Time limit: allow states to suspend the time limit for working recipients
Time limit: require states to suspend the time limit for working recipients
Time limit: allow extensions in times of high unemployment
Time limit: require extensions in times of high unemployment
Time limit: exempt some caregivers from time limit
Time limit: increase the hardship exemption
Time limit: prohibit state limits shorter than 60 months
Time limit: lengthen the federal limit
Eliminate the time limit
Time limit: suspend time limit for recipients who comply with program requirements
Other time limit

Program/Category/Recommendation or Comment
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Requirements: Child support

- Child support cooperation: eliminate penalty for violation
- Child support cooperation: protections for domestic violence victims
- Child support assignment: modify or eliminate assignment requirement
- Child support: other recommendations

Requirements: Teen parents

- Teen parents: end requirement to live under adult supervision
- Teen parents: end requirement for school attendance
- Teen parents: require immediate unconditional acceptance of applications
- Teen parents: other recommendations

Requirements: Individual Responsibility Plan

- Individual Responsibility Plans: retain option for developing plan
- Individual Responsibility Plans: require states to develop IRPs
- Individual Responsibility Plans: require certain elements in IRPs
- Individual Responsibility Plans: other recommendations

Requirements: Cash welfare eligibility/benefits

- Federal requirement for minimum benefit
- Establish federal rules for earnings disregards
- Establish federal rules for resources
- Require states to exempt one vehicle from resources
- Other eligibility/benefit rules recommendations

Requirements: Family cap

- Prohibition of a family cap
- Require in-kind assistance for children in families subject to family cap
- Disallow in-kind assistance for new child in capped family
- Require services for new child in capped family
- Disallow services for new child in capped family
- Other family cap

Requirements: Services: relative caregivers

- Require additional services for relative caregivers
- Require higher benefits for relative caregivers
- Reduce TANF requirements for relative caregivers
- Apply more TANF requirements for relative caregivers
- Modify TANF requirements for relative caregivers
- Other relative caregivers

Requirements: Service for immigrants

- Require cash assistance for citizen children of ineligible immigrants
- Require services for citizen children of ineligible immigrants
- Require cash assistance for immigrant children

Program/Category/Recommendation or Comment
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Require services for immigrant children

Other immigrant children

Requirements: Sanctioned families

Require in-kind assistance for children in sanctioned families

Disallow in-kind assistance for children in sanctioned families

Require special services for sanctioned families

Disallow special services for children in sanctioned family.

Other sanctioned families

Requirements: Other

Require states to provide TANF funding for legal services

Require states to fund transitional jobs programs

Require states to provide other benefits and services

Requirements for assessments of recipients

Data reporting

Continue quarterly reporting requirements

Reduce state reporting requirements

Require monthly reporting of some data

Increase types of data reported (e.g., by race/age)

Require reporting of “welfare leavers”

Indian TANF programs

Provide technical support to develop infrastructure

Other recommendation re: Indians or TANF Indian programs

Research

Require state research on welfare’s impact

Other research recommendations

Waivers

Permit states to extend their waivers

Other waivers

Limit on federal authority

Continue limit on federal regulatory authority

Modify limit on federal regulatory authority

Eliminate limit on federal regulatory authority

Program/Category/Recommendation or Comment
CCDF
<i>Goals/philosophy</i>
Access
Affordability
Quality
Parental Choice
<i>Funding</i>
Increase CCDF funding
Maintain quality set-aside for CCDF
Modify CCDF set-asides
Incentive funds for targeted quality initiatives
Other CCDF funding issues
Simplify CCDF funding rules
<i>State plans/requirements</i>
Expand CCDF state plan requirements
Modify requirements for CCDF payment rates (and market surveys)
Mandate higher payment rates for caring for children with disabilities
Expand transitional child in case of job loss/job search
Expand funding for child care research/surveys
Modify recertification process
<i>Data reporting</i>
Expand reporting for child care
<i>Health and safety requirements</i>
Modify health and safety requirements
Child Support Enforcement
<i>State plan/enforcement tools</i>
Require new child support enforcement tools
Modify child support enforcement tools
<i>Funding</i>
Maintain CSE matching rates
Increase CSE matching rates
Reduce CSE matching rates
Other recommendation re: CSE matching
<i>Distribution-pass through rules</i>
Pay collections to “family first” before reimbursing government
Simplify the distribution process
Pass-through and disregard child support for welfare family
Require federal government to share cost of CS pass-through
<i>Other child support</i>
Other child support distribution recommendations

Program/Category/Recommendation or Comment
Child Welfare
<i>Child Welfare Eligibility</i>
Delink foster care and adoption eligibility from former AFDC
Restructure IV-E foster care and adoption assistance eligibility
Maintain current foster care and adoptions assistance eligibility
Other recommendations related to foster care and adoption assistance
Food Stamps
Retain current food stamp rules
Increase food stamp benefits
Permit more state flexibility in food stamp rules
Other food stamp changes
Medicaid/SCHIP
Continue transitional Medicaid under current rules
Extend transitional Medicaid beyond one year
Other modifications to transitional Medicaid
Modify Medicaid eligibility
Other modifications to Medicaid
Maintain current SCHIP funding
Increase SCHIP funding
Make caretakers eligible for SCHIP
Other changes to SCHIP
Expand SCHIP eligibility
Expand health insurance coverage (other than specific Medicaid or SCHIP)
Housing
Housing assistance recommendations
Immigrant Provisions
Eliminate all restrictions on immigrants enacted in PRWORA
Retain restrictions on immigrants enacted in PRWORA
Eliminate food stamp eligibility restrictions on immigrants
Modify food stamp eligibility restrictions on immigrants
Retain food stamp eligibility restrictions on immigrants
Eliminate SSI restrictions on immigrants enacted in PRWORA
Modify SSI restrictions on immigrants enacted in PRWORA
Retain SSI restrictions on immigrants enacted in PRWORA
Eliminate Medicaid restrictions on immigrants enacted in PRWORA
Modify Medicaid restrictions on immigrants enacted in PRWORA
Retain Medicaid restrictions on immigrants enacted in PRWORA
Eliminate TANF restrictions on immigrants enacted in PRWORA

Program/Category/Recommendation or Comment
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Modify TANF restrictions on immigrants enacted in PRWORA
Retain TANF restrictions on immigrants enacted in PRWORA
Other proposals for immigrants

Other Cross-Cutting Recommendations
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Improve coordination in program eligibility
Coordinate data reporting across programs
Public service jobs program
Rural issues
Provide transitional benefits
Increase the minimum wage
Charitable Choice
Other program coordination issues

Other Programs

Unemployment compensation
Social Services Block Grant
Supplemental Security Income
Earned Income Tax Credit
Community Services Block Grant
Social Security
Juvenile Justice
Civil Rights Enforcement

Table A2. Commenter Categories¹²

U.S. Senator
U.S. House Member
U.S. Judicial
State Governor
State Human Services Agency
State Legislator
City Mayor
Local Human Services Agency
City Council
Research/Advocacy
Research/Academic
National Advocacy Organization
Advocacy Organization (state or local)
National Faith-based Organization
Faith-based Organization (state or local)
Community Service Organization
Student of Social Work
Indian Tribes
Labor Unions
Welfare Recipients
Former Welfare Recipients
General Public
Unknown

¹²These were the categories created in the CRS database to capture all potential commenters. However, comments were not necessarily received from individuals or groups representing each of the categories listed.

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